

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CMM No. 133 of 2014 and
FAO-M-56 of 2014**

219

Dr. Akashpreet Singh v. Jaspreet Kaur

PRESENT: Ms. Sonal Dutta, Advocate for
Mr. V.M. Gupta, Advocate for the appellant.

Mr. Rahul Rampal, Advocate for the respondent.

CMM No. 133 of 2014

1. This is an application under Section 24 of the Hindu Marriage Act, 1955 (in short "the Act") filed by the respondent-wife for grant of maintenance pendente lite and litigation expenses.

2. There was a matrimonial dispute between the parties. The appellant-husband filed a petition under Section 13 of the Act for dissolution of marriage by a decree of divorce. The trial court on appreciation of evidence led by the parties, dismissed the divorce petition vide judgment and decree dated 16.12.2013 against which the instant appeal has been filed by the appellant-husband. The respondent-wife has filed the present application under Section 24 of the Act for maintenance pendente lite and litigation expenses during the pendency of the appeal, *inter alia*, pleading that she along with her minor son is staying with her old parents and is totally dependant on them as she has no source of income. On the other hand, the appellant-husband is employed as Rural Veterinary Officer at Alunena Tulla and is getting a salary of ₹ 48,610/- per month. Besides this, he is also earning more than ₹ 30,000/- per month by running a veterinary clinic. She prayed for maintenance allowance at the rate of ₹ 20,000/- per month for herself and ₹ 10,000/- per month for her minor son and ₹ 25,000/- as litigation expenses.

3. Notice of the application was issued. No reply has been filed

to oppose the prayer made in the application.

4. We have heard learned counsel for the parties.

5. In addition to Section 24 of the Act, this Court is also empowered to pass interim orders in terms of Section 26 of the Act with regard to custody, maintenance and education of minor children. The claim has been made by the respondent-wife in this regard. The trial court vide order dated 8.6.2009 had awarded an amount of ₹ 8,000/- per month as maintenance pendente lite to the wife and the minor child under Sections 24 and 26 of the Act. Keeping in view the financial position of the respondent-husband, the status of the respondent-wife along with her minor son having no source of income, being dependent upon her parents, the cost of living these days and the overall facts and circumstances of the case, it would be appropriate to award ₹ 10,000/- per month to the respondent-wife and her minor son under Sections 24 and 26 of the Act from the date of the application during the pendency of the appeal in this Court. Ordered accordingly. The litigation expenses of ₹ 15,000/- has already been paid to the respondent-wife vide order dated 5.5.2014 passed by this Court.

6. CMM stands disposed of accordingly.

FAO-M-56 of 2014

Heard.

Admitted.

To be listed for final hearing on 12.5.2015.

**(AJAY KUMAR MITTAL)
JUDGE**

January 22, 2015
gbs

**(SNEH PRASHAR)
JUDGE**